

Counsel Listed on Next Page

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

FISHER INVESTMENTS, INC., a California  
corporation,

Plaintiff,

v.

MORGAN STANLEY DW, INC., a  
Delaware corporation, and DOES 1-10,  
inclusive,

Defendants.

Case No. C 07 2547 SC

**STIPULATION AND [~~PROPOSED~~]  
ORDER CONTINUING (1) DUE  
DATE OF DEFENDANT MORGAN  
STANLEY & CO., INC.'S (F/K/A  
MORGAN STANLEY DW, INC.)  
RESPONSE TO PLAINTIFF'S  
COMPLAINT, AND (2) CASE  
MANAGEMENT CONFERENCE**

**LOCAL RULE 6-1(a)**

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16 Attorneys for Plaintiff  
17 Fisher Investments, Inc.

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Attorneys for Defendant  
Morgan Stanley & Co., Inc.  
(f/k/a Morgan Stanley DW, Inc.)

1 Plaintiff Fisher Investments, Inc. ("Plaintiff" or "Fisher"), on the one hand, and Defendant  
 2 Morgan Stanley & Co., Inc. (f/k/a Morgan Stanley DW, Inc.) ("Defendant" or "Morgan  
 3 Stanley"), on the other hand, through their respective counsel, HEREBY STIPULATE and  
 4 AGREE pursuant to Local Rule 6-1(a) as follows:

5 1. The parties have been engaged in good faith settlement negotiations. The parties  
 6 agree that it would be injurious to the settlement process for the parties and counsel to have to  
 7 devote substantial time and resources to address litigation demands, including motion work  
 8 related to the Complaint, initial disclosures and other discovery demands. Accordingly, the  
 9 parties agree to extend the time for defendant to file a responsive pleading to the complaint by  
 10 another 45 days. The parties also agree, with Court approval, to continue the case management  
 11 conference, and associated initial disclosure and other deadlines, by 90 days.

12 2. Plaintiff Fisher filed its Complaint in the Superior Court for the County of San  
 13 Mateo on April 12, 2007, and served it on April 13, 2007. Defendant Morgan Stanley removed  
 14 the complaint to federal court on May 14, 2007.

15 3. On May 16, 2007, the parties stipulated to extend the time for Morgan Stanley's  
 16 response to the Complaint from May 21, 2007 to June 5, 2007.

17 4. On June 1, 2007, the parties stipulated to extend the time for Morgan Stanley's  
 18 response to the Complaint from June 5, 2007 to June 20, 2007.

19 5. On June 18, 2007, the parties stipulated to extend the time for Morgan Stanley's  
 20 response to the Complaint from June 20, 2007 to July 5, 2007.

21 6. On June 28, 2007, the parties stipulated to extend the time for Morgan Stanley's  
 22 response to the Complaint from July 5, 2007 to August 6, 2007.

23 7. The parties stipulate and agree that Defendant's time to respond to Plaintiff's  
 24 Complaint shall be continued another thirty (45) days, until September 20, 2007.

25 8. Additionally, the parties stipulate that the Case Management Conference  
 26 scheduled for August 17, 2007 shall be continued for 1 weeks, until ~~October 19, 2007~~.

27 SO STIPULATED.

November 16, 2007 at 10:00 AM

1 Dated: July 31, 2007

JOSEPH W. COTCHETT  
NANCY L. FINEMAN  
COTCHETT, PITRE & McCARTHY

SCOTT METZGER  
ANNA F. ROPPO  
DUCKOR SPRADLING METZGER & WYNNE

2 By: \_\_\_\_\_/s/  
3 Scott Metzger  
4 Attorneys for Plaintiff  
5 Fisher Investments, Inc.

6 Dated: July 31, 2007

7 TRISH M. HIGGINS  
8 MICHAEL D. WEIL  
9 ORRICK, HERRINGTON & SUTCLIFFE LLP

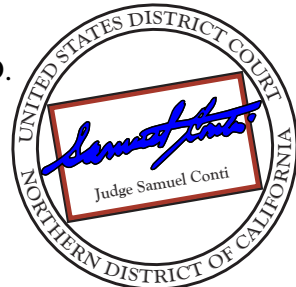
10 By: \_\_\_\_\_/s/  
11 Michael D. Weil  
12 Attorneys for Defendant  
13 Morgan Stanley & Co., Inc.  
14 (f/k/a Morgan Stanley DW, Inc.)

15 I hereby attest that the concurrence in the filing of this document has been obtained from  
16 Scott Metzger, Attorney for Plaintiff, Fisher Investments, Inc.

17 By: \_\_\_\_\_/s/  
18 Michael D. Weil  
19 Attorneys for Defendant  
20 Morgan Stanley & Co., Inc.  
21 (f/k/a Morgan Stanley DW, Inc.)

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Dated: \_\_\_\_\_ 8/6, 2007.



24 The Honorable Samuel Conti  
25 United States District Court Judge